IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

REVIEW PETITION (LODGING) NO. 25 OF 2007

IN

NOTICE OF MOTION NO. 98 OF 2007

IN

WRIT PETITION NO. 2905 OF 2001

State of Maharashtra through
the Chief Secretary to the
Government of Maharashtra. .... Petitioner.

vs.

Manubhai Paragji Vashi
and others. .. Respondents.

Mr. K.R. Belosey, Govt. Pleader for petitioner.
Mr. Rui Rodrigues for R. No.3.
Ms. A.V. Savla for Respondent/BMC.

Coram: J.N. PATEL &,
S.C. DHARMADHIKARI, JJ.
Date: 4th MAY, 2007.
(In Chamber at 2.45 p.m.)

P.C.

. The State has moved this petition for review of our order dated 30th March, 2007 by which this Court

had issued direction to the respondent State and its authorities to remove all encroachments on University land on or before 30.4.2007.

2. The learned Govt. Pleader has now brought to the notice of this Court that notification dated 11.7.2001 protects encroachments on Govt. land prior to 1.1.1995 within the limits of Municipal Corporation or Zilla Parishad or on the land owned by the State Government.

3. In so far as the land in question is concerned, it belongs to the Mumbai University and the G.R. does not protect encroachments on such land. Even otherwise it is a policy matter of the State to rehabilitate such slum dwellers. It is the sole responsibility of the State to take appropriate steps in the matter but that does not mean that the encroachment on the land belonging to the University should continue till a scheme for rehabilitation for such persons is framed by the State Government.

4. We are constrained to make the aforesaid observation as the learned Govt. Pleader has no instructions on this aspect i.e. whether the slum dwellers in the University area are to be rehabilitated. We, therefore, do not find that there is a case for review made out by the State of Maharashtra. Considering the fact that the action

could not be initiated by the State as directed by the Court within the stipulated period probably under misconception that the said G.R. is applicable to encroachments on land belonging to University, we are extending the time to comply with our directions till 31.12.2007. No further extension of time will be granted in the matter. Review Petition stands disposed of accordingly. No order as to costs.

(J.N. Patel, J.)

(S.C. Dharmadhikari, J.)